

**Town of Surfside
Town Commission Meeting
August 11, 2009 7:00 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Fl
Surfside, FL 33154

MINUTES

1. Opening

A. Call to Order

The meeting was called to order at 7:04 p.m.

B. Roll Call of Members

Town Clerk, Debra Eastman called the roll and the following were present:
Commissioner Elizabeth Calderon, Commissioner Steven Levine, Commissioner
Howard Weinberg, Vice Mayor Marc Imberman and Mayor Charles Burkett.

C. Pledge of Allegiance

Chief of Police, David Allen led the Pledge of Allegiance.

D. Agenda and Order of Business

Vice Mayor Marc Imberman requested to add the end of item 9, Town Seal and
Uncollected tax revenue, fees, fines, etc.

E. Special Presentations

1. Officer of the Month – Chief David Allen

Police Chief, David Allen presented Officers Woody Brooks and Les Ruiz with
plaques and named them Officers of the Month for their outstanding performance.

2. Big Daddy's/Flanagans – Commissioner Howard Weinberg

Commissioner Howard Weinberg introduced Steve Thomas from Flanagan's and
Larry Lavoie from Big Daddy's and thanked them and their business and for their
contribution and service to the Town of Surfside over the past 40 years

3. Pension Plan Overview – Robert Klausner, Klausner & Kaufman

Mr. Robert Klausner, Counsel to the employee retirement system, reported on the
status of the current system and recommended that the Town Commission continue
with the current program.

4. Aquatic Complex - Architect/CGA

Larry Kline, Spillis, Candela DMJM and Joe Cangialosi, Calvin, Giordano &
Associates, Inc. discussed the will of the Town Commission in preparing plans for the
aquatic complex that will be expandable in the future. Mayor Charles Burkett

declared consensus of the Town Commission to build a one-story building that could later be expanded to a two-story building and that the pool is to be built.

Commissioner Howard Weinberg suggested that the Town continue to search for revenue sources. Town Manager, Gary Word, was directed to engage the School Board in conversation to see if they wish to share the cost of the aquatic facility in order to use it for the Miami Senior High School water polo team.

5. Traffic Study Report – James Spinks, CGA Traffic Engineer

James Spinks, Traffic Engineer gave a report of where eight additional traffic calming sites were identified. No action was taken.

2. Quasi-Judicial Hearings

3. Consent Agenda

All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.

Recommended Motion: To approve all consent agenda items as presented below.

A. Approval of the Minutes

July 15, 2009 Regular Commission Meeting

B. Monthly Budget to Actual Summary - Martin Sherwood

C. Mutual Aid Agreement, City of North Miami Beach – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI BEACH.

A motion was made by Vice Mayor Marc Imberman to adopt the consent agenda. The motion received a second from Commissioner Elizabeth Calderon. Mayor Charles Burkett called for the vote and all were in favor.

4. Ordinances and Public Hearings

A. Second Readings (Ordinances)

1. Nuisance Abatement Ordinance – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 1-8 “PENALTY FOR VIOLATIONS” AND SECTION 15-17 “ADDITIONAL ENFORCEMENT POWERS” AND SECTION 15-18 “VIOLATIONS; SCHEDULE OF CIVIL PENALTIES AND CREATING” SECTION 15-19 “ABATEMENT BY THE TOWN;

RECOVERY OF COSTS AND EXPENSES; IMPOSITION OF LIENS" OF CHAPTER 15 OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR NUISANCE ABATEMENT PROCEDURES AND REMEDIES IN VARIOUS CODE SECTIONS AUTHORIZING THE TOWN TO RECOVER ITS COSTS AND FILE A LIEN FOR SUCH NUISANCE ABATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman, read the title of the ordinance. A motion to adopt the ordinance was made by Commissioner Steve Levine. The motion received a second from Commissioner Elizabeth Calderon. Mayor Charles Burkett opened the public hearing. Michael Karukin and Paul Yavis spoke. Town Attorney, Lynn Dannheisser explained the ordinance. Town Clerk, Debra Eastman called the roll and all were in favor.

**2. Flood Plain Map – Steve Uman, Building Official
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA,
AMENDING CHAPTER 42, "FLOODS," ARTICLE 3, "GENERAL PROVISIONS," SECTION B, "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD;" PROVIDING FOR SEVERABILITY AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman, read the title of the ordinance. A motion to adopt the ordinance was made by Commissioner Steven Levine. The motion received a second from Commissioner Elizabeth Calderon.

Mark Blumstein spoke about the effect. Building Official, Steve Uman informed that the ordinance does not pertain to fees and only relates to elevation. Town Clerk, Debra Eastman called the roll and all were in favor.

B. First Readings (Public Hearings on Ordinances)

**1. Boat Storage – Lynn Dannheisser, Town Attorney
Sarah Sinatra, Town Planner (Deferred from 7-15-09)
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA
AMENDING THE TOWN CODE BY AMENDING CHAPTER 90
BY AMENDING SECTIONS 90.65 RELATING TO BOATING
STORAGE; PROVIDING FOR "SEVERABILITY"; PROVIDING
FOR INCLUSION IN THE CODE; PROVIDING FOR
CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the ordinance. A motion to introduce the ordinance on first reading was made by Commissioner Steven Levine. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

2. Eliminating Code Section 2-26 Negotiations – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY ELIMINATING SECTION 2-26 NEGOTIATIONS; PROHIBITED WITHOUT FORMAL APPROVAL BY COMMISSION; PENALTY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. A motion was made to introduce the ordinance on first reading by Commissioner Steven Levine. The motion received a second from Commissioner Elizabeth Calderon. Vice Mayor Marc Imberman spoke in opposition to the ordinance. Town Clerk, Debra Eastman called the roll and the motion passed 3-2 with Vice Mayor Marc Imberman and Mayor Charles Burkett voting in opposition.

3. Vacant Store Fronts – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-52 COMMERCIAL STANDARDS ESTABLISHED RELATING TO THE APPEARANCE OF VACANT STOREFRONTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. A motion was made to introduce the ordinance on first reading by Vice Mayor Marc Imberman. The motion received a second from Commissioner Elizabeth Calderon. Town Clerk, Debra Eastman called the roll and all were in favor.

4. Required Roofing Materials – Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-31

“REQUIRED ROOFING MATERIALS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk, Debra Eastman read the title of the ordinance. A motion to introduce the ordinance on first reading was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Steven Levine. Town Clerk, Debra Eastman called the roll and all were in favor.

**5. Expense Reimbursement - Lynn Dannheisser, Town Attorney
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING SECTION 2-27 “REIMBURSEMENT OF EXPENSES” OF ARTICLE II. “TOWN COMMISSION” OF THE CODE OF THE TOWN TO PROVIDE FOR REIMBURSEMENT OF TRAVEL AND OTHER EXPENSES OF TOWN OFFICIALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the ordinance. A motion to introduce the ordinance on first reading was made by Vice Mayor Marc Imberman. The motion received a second from Commissioner Howard Weinberg. Town Clerk, Debra Eastman called the roll and the motion passed 4-1 with Commissioner Elizabeth Calderon voting in opposition.

**6. Hotel Uses – Lynn Dannheisser, Town Attorney
Sarah Sinatra – Town Planner
AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CODE BY AMENDING CHAPTER 90 SECTION 90.41.(d) RELATING TO HOTEL USES; PROVIDING FOR “SEVERABILITY”; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk, Debra Eastman read the title of the ordinance. A motion was made to introduce the ordinance on first reading by Commissioner Steven Levine. The motion received a second from Vice Mayor Marc Imberman. Town Planner, Sarah Sinatra explained the change would allow hotels to update outside pool amenities such as messages, coffee shops, etc. Commissioner Howard Weinberg expressed concern with potential noise to neighboring condominiums. Town Planner, Sarah Sinatra and Town Attorney, Lynn Dannheisser will work together to review. There was no action taken.

5. Resolutions and Proclamations

A. Parking Permit Fees – Assistant Chief John DiCenso

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING IMPOSITION OF A PARKING PERMIT FEE OF FORTY-FIVE (\$45) DOLLARS; PROVIDING FOR AN EFFECTIVE DATE.

No action taken.

B. Surfside Post Office – Commissioner Elizabeth Calderon

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, EXPRESSING SERIOUS CONCERN AT THE POSSIBLE CLOSING OF THE SURFSIDE BRANCH OF THE UNITED STATES POST OFFICE LOCATED 250 95TH STREET, SURFSIDE, FLORIDA 33154

Town Clerk, Debra Eastman read the title of the resolution. A motion was made by Commissioner Elizabeth Calderon to adopt the resolution. The motion received a second from Commissioner Steven Levine. Commissioner Weinberg amended the motion to include that letters be also sent to Congressmen and Senators. Mayor Charles Burkett called for the vote and all were in favor.

6. Good and Welfare

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

Paul Yavis spoke in opposition to some of the proposed budget cuts and in favor of keeping lifeguards.

Dorie Lurie spoke in favor of continued Town services.

Barbara Cohen announced the Summer Sizzler event slated for Thursday, August 20, 2009.

Michael Karukin inquired about the resort tax.

Kathy Imberman clarified that only two Commissioners are accepting a stipend.

Barbara McLaughlin spoke regarding the allocation of the tourist tax.

Paul Leighton spoke regarding life guards.

Marta Olychk spoke regarding the use of previous plans for the community center.

Mark Blumstein spoke in favor of building the community pools and whatever mandatory structure is required.

7. Town Manager and Town Attorney Reports

Governmental Fund Balance (Reserves) Gary Word, Town Manager

Town Manager, Gary Word explained that there is currently over 7 million dollars in reserves. He suggests setting aside 3 million dollars for emergency and working capital and cash flow, which would free up 4 million dollars toward the capital project.

8. Unfinished Business and New Business

Stamped Asphalt Colors – Fernando Rodriguez, Director of Public Works

Fernando Rodriguez, Director of Public Works informed the Town Commission that the Planning and Zoning Board provided suggested colors for the stamped asphalt crosswalks. Mayor Charles Burkett suggested that Public Works could do a drawing. He further suggested that each Commissioner can provide a color suggestion. No action was taken.

9. Mayor, Commission and Staff Communications

A. Town Manager's Contract – Mayor Charles Burkett

Mayor Charles Burkett presented his concerns to the Town Commission. Vice Mayor Marc Imberman suggested that each Commissioner come to the September Commission meeting with a prepared evaluation of the performance of the Town Manager..

B. Committee Vacancies – Debra Eastman, Town Clerk

Town Clerk, Debra Eastman reported there is a vacancy for the Beautification Committee to be filled by Commissioner Steven Levine. The Beautification Committee does not have a Committee Liaison. There is a vacancy on the Planning and Zoning Board for an Architect. Direction was given to post the vacancy in the Gazette.

C. Town Seal – Vice Mayor Marc Imberman

A motion was made by Commissioner Howard Weinberg to extend the meeting by five minutes. The motion received a second from Commissioner Steven Levine. Mayor Charles Burkett called for the vote and all were in favor.

Vice Mayor Marc Imberman suggested that there is a seal that should be mounted on the side of the Town Hall. Town staff has supplied an estimate of approximately \$2,000. Vice Mayor Imberman suggested that the Town Hall building be painted prior to the installation of the seal. It was agreed that the topic be placed on the September agenda.

D. Unpaid Revenue/Fees – Vice Mayor Marc Imberman

Vice Mayor Marc Imberman indicated that there are outstanding water, sewer, fines, permit fees, etc. which is worthy of the attention of the Town Commission. The Town Manager was directed to investigate the unpaid fees and how to accelerate their collection.

10. Adjournment


The meeting adjourned at 11:02 p.m.

Accepted this 8 day of Sept, 2009



Charles Burkett, Mayor

Attest:



Debra E. Eastman, MMC
Town Clerk